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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,157	05/18/2000	Cary Lee Bates	ROC920000066	6988

7590 08/13/2003

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Houston, TX 77056-6582

EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/574,157

Applicant(s)

BATES ET AL.

Examiner

Ba Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

BA HUYNH  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on 11/22/02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance for the non-English document "SELFHTML: Version 7.0 vom 27.04", as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. The document has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10, 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent #5,848,396 (Gerace).

- As for claims 1, 5, 21, 26: Gerace teaches a computer implemented method and corresponding system for rendering an electronic Home Page 43 customized to the user on the basis of prior user interaction with the Home Page (4:1-29), each Home page contains user interaction fields, comprising the steps/means for:

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getting an electronic address associated with the Home Page 43 (13:36-47; 16:19-29);

evaluating a data structure 37a-f to determine if the data structure contains a user interaction entry relating to the Home Page;

if the data structure contains the user interaction entry, determining if the Stock/Weather element exists on the Home Page (implicitly included in the process of customizing the Home Page);

rendering the Home Page on the display so that the Stock/Weather element viewable on the display (16:24-29).

- As for claims 2, 24: The user interaction entry can be a table entry (21:1-4; 5:9-10; 6:34-40; figure 4A), a link (e.g., an option in figure 4A; 5:9-10; 6:28-32, 48-52), a data entered interaction entry (5:1-3, 9-10; 21:1-4), or a scrolling entry (inherently included in the teaching of recording “each” of user actions on the mouse, 6:58-60).
- As for claims 3, 25: The data structure includes the time spent displaying the electronic document element on the display during prior user interaction with the electronic document (6:46-48; 7:19-21).
- As for claim 4: Gerace teaches a computer implemented method and corresponding system for rendering an electronic Home Page 43 customized to the user on the basis of prior user interaction with the Home Page (4:1-29), comprising the steps/means for:

getting an electronic address associated with the Home Page 43 (13:36-47; 16:19-29);

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evaluating data structures to determine whether or not the data structures contains

a user interaction entry relating to the Homepage (11:47-56); and

rendering the Home Page on the display based on the determination (16:24-29).

- As for claims 6, 7, 22, 23, 27, 28, 29: The selected objected can be moved to a screen position automatically or as specified by the user (11:46-55). Object that frequently selected is displayed at the top of the ranking (i.e., top page).
- As for claim 8: The count associated with user interaction with an object is inherently included in the teaching of "most frequently selected" object (11:49-51).
- As for claim 10: Scrolling is inherently included in the teaching of recording cursor movement and screen position of the selected object (6:58 – 7:3).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,848,396 (Gerace).

- As for claim 9: Frequency of selection and duration of viewing of an object are recorded (5:30-32; 7:20-22). Objects are displayed based on frequency of selection ranking (11:49-51). Gerace fails to clearly teach the ranking a selected object based on duration of viewing as a second parameter after the frequency. However, Official

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notice is take that ranking a selected object based on the duration of viewing as a second parameter after the frequency is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known ranking a selected object based on the duration of viewing as a second parameter after the frequency. Motivation is for providing an alternative for ranking whenever the frequencies of selection of the first and second objects are equal.

- As for claim 11: Gerace teaches a computer implemented method and corresponding system for rendering an electronic Home Page 43 customized to the user on the basis of prior user interaction with the Home Page (4:1-29), each Home page contains user interaction fields, comprising the steps/means for:

getting an electronic address associated with the Home Page 43 (13:36-47; 16:19-29);

evaluating a data structure 37a-f to determine if the data structure contains a user interaction entry relating to the Home Page;

if the data structure contains the user interaction entry, determining if the Stock/Weather element exists on the Home Page (implicitly included in the process of customizing the Home Page);

rendering the Home Page on the display so that the Stock/Weather element viewable on the display (16:24-29).

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Frequency of selection and duration of viewing of an object are recorded (5:30-32; 7:20-22). Objects are displayed based on frequency of selection ranking or as specified by the user (11:46-55).

Gerace fails to clearly teach the ranking a selected object based on duration of viewing as a second parameter after the frequency. However, Official notice is take that ranking a selected object based on the duration of viewing as a second parameter after the frequency is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known ranking a selected object based on the duration of viewing as a second parameter after the frequency. Motivation is for providing an alternative for ranking whenever the frequencies of selection of the first and second objects are equal.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7238 for regular communications and (703) 746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

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Ba Huynh  
Primary Examiner  
AU 2173  
August 7, 2003

**BA HUYNH**  
**PRIMARY EXAMINER**